

 ORIGINAL

Approved by: Kristen Doreman

KRISTEN DOREMAN

Special Assistant United States Attorney

Before: THE HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York

20 MAG 12154

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UNITED STATES OF AMERICA

: MISDEMEANOR
: COMPLAINT

-v-

: Violation of

: 18 U.S.C. 113 (a) (5)

AMDI KABA

:
: Defendant

: COUNTY OF OFFENSE:
: ORANGE

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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK, ss.:

BENJAMIN DURHAM, being duly sworn, deposes and says that he is a Court Liaison assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, and charges as follows:

COUNT ONE

On or about August 25, 2020, at the United States Military Academy, West Point, New York, within the special maritime and territorial jurisdiction of the United States, in the Southern District of New York, AMDI KABA, the defendant, unlawfully, knowingly and intentionally placed or attempted to place another person in fear of imminent serious physical injury or physical injury to wit, the defendant grabbed a kitchen knife and threatened another person with it causing a small laceration on the other person's left thumb.

(Title 18, United States Code, Section 113(a)(5))

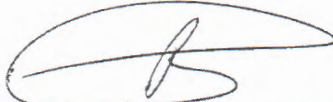
The basis for the deponent's knowledge and for the

foregoing charges are, in part, as follows:

1. I am Court Liaison, assigned to the Provost Marshal Office, at the United States Military Academy, West Point, New York, which is located in the Southern District of New York.
2. On or about August 25, 2020, at approximately 5:16 p.m., the desk sergeant received a phone call from Carllys Lemier, Thayer Hotel general manager, who stated that two kitchen employees had been involved in an altercation.
3. SGT Fonyi, SPC Deskey and SPC Hulbert were dispatched to Thayer Hotel to investigate. The three MPs met in the kitchen where the assault occurred. They first met with the victim, Brett Cole, and observed a wound on his left thumb, approximately 2 inches in length and a cut approximately 1 centimeter on his left finger. SPC Hulbert then took him upstairs to separate him from the defendant, Amdi Kaba. The defendant had a scratch on his left forearm. Neither individual wanted medical treatment for their injuries. The defendant was moved into the hallway at this time.
4. Military Police Investigators Monge and Lynch arrived on the scene to assist with the investigation. After being briefed by SPC Deskey and SPC Hulbert about what occurred, INV Monge approached the witness, Mr. German Jiminez. Mr. Jiminez does not speak English, so INV Monge interviewed him in Spanish and he related that he saw the defendant make a joke to the victim and the victim did not like it. The victim then responded to the defendant and the defendant did not like that. The defendant then proceeded to grab a knife and go towards the victim, leaving him with a superficial scratch on his left hand, a scratch that was done with the knife. Mr. Jiminez stated they were joking and that they are friends and that they get along. Mr. Jiminez declined to make a written statement. INV Monge then went to speak with the defendant and he stated that he was confused as to what was going on. INV Monge told him that he needed to go to the station to answer a few questions.
5. INV Monge then went to speak with the victim who allowed photographs to be taken of his injuries but did not wish to make a statement and would not provide any other information regarding the incident.

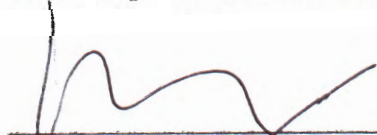
6. The defendant was fingerprinted and processed, did not wish to provide a written statement, and then released. He was issued a District Court Violation Notice for assault in the third degree (DCVN number 8004928/SY10).

WHEREFORE, deponent prays that the above-named defendant be imprisoned or bailed, as the case may be.



BENJAMIN DURHAM
Court Liaison

Sworn to before me this
13th day of November, 2020



HONORABLE MARTIN R. GOLDBERG
United States Magistrate Judge
Southern District of New York